



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,822	02/13/2001	Sue L. Shifrin-Cassidy	CASSIDYS 00-01.PA	1711

7590

03/27/2006

Quirk & Tratos
Suite 500 North
3773 Howard Hughes Parkway
Las Vegas, NV 89109

EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/782,822	Applicant(s) SHIFRIN-CASSIDY, SUE L.	
	Examiner Ella Colbert	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending. Claim 1-9 have been cancelled in the communication filed 01/09/06 entered as Response After Non-Final Action (Miscellaneous Action With SSP and after the Response to Election/ Restriction Requirement filed 10/19/05. Group II, claims 10-20 have been elected for examination on the merits without traverse.

Claim Objections

2. Claim 10 objected to because of the following informalities: Claim 10, line 2 recites "... by a network to view specified part or portion of said". This line would be better recited "... by a network to view a specified part or portion of said. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,449,601) Friedland et al, hereafter Friedland.

Claim 10. Friedland discloses, A method of garnering the attention of such persons as may be viewing Information generally distributed by a network to view a specified part or portion of said information, comprising the steps of: publishing on the network the

Art Unit: 3624

particulars of an auction, including the description of the article that is auctioned off the identities of the bidders that are currently participating in said auction, and the bidding that is currently associated with each said article (col. 8, line 51-col. 9, line 63); setting out a first sequence of instructions directing the examinations of one or more of said specified pads or portions of said information on said network (col. 7, lines 21-60 and col. 11, lines 8-38); accumulating a first predetermined number of earned points to the benefit of a particular one of said persons upon the compliance by said person with said instructions directing the examination of said parts or portions of said information (col. 11, line 39-col. 13, line 62); and accrediting each said person to become a qualified bidder in said auction upon the accumulation of said earned points that is greater than a preselected number of points (col. 2, lines 24-42). Friedland did not expressly disclose that "the points are earned points". However, It would have been obvious to one having ordinary skill in the art at the time the invention was made to have "earned price points" and to modify in Friedland in view of Friedland's teaching of disclosed a per-item price point and because such a modification would allow Friedland to have the price points accumulate and become earned points.

Claim 11. Friedland discloses, A method according to claim 10, wherein: said network is a computer assisted communication network (col. 2, lines 42-63 and col. 9, lines 35-49); and said auction is effected by interactive computer assisted communications on said network (col. 3, lines 23-43).

Claim 12. Friedland did not disclose A method according to claim 11, comprising the further step of: providing a list of subscribing bidders each qualified to participate in said

Art Unit: 3624

auction by virtue of a payment of an entitle fee, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a list of subscribing bidders each qualified to participate in the auction by virtue of a payment of an entitle fee and because such a modification would allow Friedland to limit the number of subscribing bidders by imposing an entitle fee. Friedland discloses, said step of publishing on said network the particular of said auction includes the bidding particulars of said subscribing and said qualified bidders (col. 11, lines 8-59).

Claim 13. Friedland discloses, A method according to claim 10, comprising the further step of: setting out a second sequence of instructions directing the examinations of one or more business facilities described on said network (col. 11, line 39-col. 12, line 4 and fig. 6); and accumulating a second predetermined number of earned points to the benefit of said person upon the compliance by said potential bidder with said instructions directing the examination of each said business facility (col. 2, lines 12-42).

Claim 14. this dependent claim is rejected for the similar rationale as given above for claims 10-13.

Claim 15. this dependent claim is rejected for the similar rationale as given above for claim 12.

Claim 16. this dependent claim is rejected for the similar rationale as given above for claim 13.

Claim 17. this dependent claim is rejected for the similar rationale as given above for claim 14.

Art Unit: 3624

Claim 18. this dependent claim is rejected for the similar rationale as given above for claim 11.

Claim 19. this dependent claim is rejected for the similar rationale as given above for claim 12.

Claim 20. this dependent claim is rejected for the similar rationale as given above for claim 12.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bednarek (US 6,965,868) disclosed an electronic commerce system for use by participating users and merchants.

Carlton-Foss (US 6,647,373) disclosed a reverse auction.

Inquiries

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'E. Colbert', with a stylized flourish at the end.

E. Colbert
Primary Examiner
March 18, 2006